

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12-13-24

UNITED STATES OF AMERICA,

-against-

07 CR 387-06 (CM)

VICTOR DIAZ,

Defendant.

ORDER GRANTING MOTION FOR COMPASSIONATE RELEASE  
FILED PURSUANT TO 18 U.S.C. §3582(c)(1)(a)(i)

McMahon, J.:

On November 26, 2024, the Court issued its decision provisionally granting Diaz's motion for compassionate release pending compliance with the Victims' Rights Act. *See* Decision on Compassionate Release, 7:07-cr-00387-CM, Document 327. Under the Act, victims have "[t]he right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding." 18 U.S.C. § 3771(a)(4); *see also* Fed. R. Crim. P. 60(a)(3). The Court gave the Government 15 days from the issuance of its decision to report back on the victims' position regarding defendant's possible early release.<sup>1</sup>

The Government reports that it has complied with the Court's directive by attempting, to no avail, to get in touch with the victims in this decades old case. *See* Government Letter dated 12/11/24, 7:07-cr-00387-CM, Document 328. The Court is

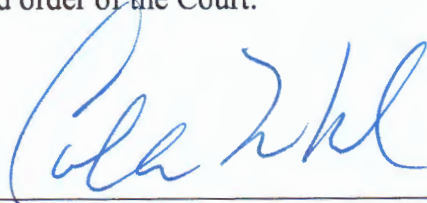
<sup>1</sup> Victor Diaz sentence of incarceration was scheduled to expire April 25, 2024. Since Diaz is not a United States citizen (he is Ecuadorian) he will not be released into the United States at the end of his sentence; rather, he will be deported directly from the Bureau of Prisons to his native Ecuador. The practical effect of the Court's decision is to advance the deportation process five months. The Court conditionally granted Diaz's motion only on the understanding that Diaz would never be released into the community.

satisfied that the appropriate inquiry has been made and that the issuance of this order complies with the Victims' Rights Act.

Accordingly, for the reasons stated in the Court's November 26 decision, Diaz's motion for a reduction in sentence is GRANTED. Diaz sentence of incarceration is reduced to time served. All other aspects of defendant's sentence remain unchanged.

This constitutes the decision and order of the Court.

Dated: December 13, 2024



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Colleen McMahon  
United States District Court Judge

BY ECF TO ALL PARTIES